

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALFRED D. HARVEY, JR.,)
)
 Plaintiff,)
)
 vs.)
)
BANK OF AMERICA CORP., et al.,)
)
 Defendants.)

Case No. 4:10CV510 RWS

MEMORANDUM AND ORDER

This matter is before the Court on defendants' motion to issue service from the Court. Defendants ask the Court to serve a copy of their reply brief upon plaintiff because their copy was returned when it was served via certified mail at plaintiff's address of record. Defendants are not required to serve copies of court filings via certified mail. See Fed. R. Civ. P. 5. As a pro se plaintiff, it is plaintiff's responsibility to provide the Court with an updated address, and his refusal to do so is at his peril. Of course, plaintiff may not refuse receipt of mail related to his case and then later seek relief from this Court on the ground that he did not receive a copy of a document.

The Court will deny defendants' motion at this time. Defendants should serve a copy of their reply brief on plaintiff via first class mail. This Memorandum and Order will be served on plaintiff and should serve as a reminder to plaintiff of his obligation to keep the Court informed of his current address of record, as well as his other obligations related to this case, which include responding to documents served upon him at his address of record.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to issue service [#21] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 4th day of August, 2010.